

Remarks

Claims 1-31 are now pending in the application, with Claims 1, 16 and 17 being independent. Claims 1, 3, 4, 6 and 8-17 have been amended herein. Claims 18-31 have been added herein.

The Examiner has stated that the inventions of Group I (Claims 1-15) and Group II (Claims 16 and 17) are patentably distinct from each other for being related as subcombination and combination. The Examiner purported to show that the two groups of inventions are distinct by stating that “the combination as claimed does not require the particulars of the subcombination as claimed because the discharge recovering apparatus (tube pump) claimed in invention II is rather broader than that claimed in invention I.” However, in comparing independent Claim 1 from Group I with Claims 16 and 17 of Group II, it should be noted that all of the features of the tube pump recited in Claim 1 are also recited in independent Claims 16 and 17. Therefore, it cannot be said that the combination as claimed does not require the particulars of the subcombination as claimed. Thus, the groups are not properly restrictable.

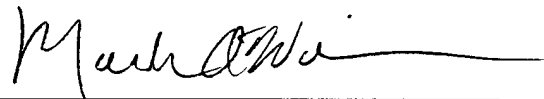
Furthermore, Applicants respectfully submit that the two groups of claims are closely related and that a proper search of any of the claims of one group would likely include a search of the claims of the other group. Thus, it is submitted that all of the claims can be searched simultaneously and that a duplicative search with possibly inconsistent results may occur if the restriction requirement is maintained. Therefore, in the interest of economy, both for the Office and Applicants, withdrawal of the restriction requirement is respectfully solicited.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicants provisionally elect the claims of Group II, namely Claims 16 and 17. In addition, newly-presented dependent Claims 18-31, which are based on dependent Claims 2-15, respectively, should be examined with Group II.

Favorable consideration is requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark A. Williamson", written over a horizontal line.

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